

**HAMILTON COUNTY  
BOARD OF AVIATION  
FEBRUARY 28, 2002**

President Pylitt called the February 28, 2002 meeting of the Hamilton County Board of Aviation to order.

Ms. Kim Rauch called roll and declared a quorum present of Buddy Pylitt, Larry Jacobi, Tim Tolson and Paul Spranger.

**Approval of Minutes:**

Tim Tolson motioned to approve the minutes of January 24, 2002. Paul Spranger seconded. Motion carried unanimously.

**President's Report:**

Buddy Pylitt stated he sent a letter to Dave Tudor from the Aviation Board thanking him for his work on the Aviation Board.

Buddy stated he has received a letter from Commissioner Sharon R. Clark forwarding a letter dated December 18, 2001 from William Pace expressing his interest in aviation in Hamilton County.

Buddy stated in response to a letter to the editor following our last meeting, he drafted a letter dated March 1, 2002 that describes what the Aviation Board does and what we have been doing.

The Aviation Board did meet with the FAA on February 13, 2002 in Chicago.

**AOPA Meeting:**

Tim Tolson and Larry Jacobi attended the AOPA meeting on February 5, 2002. Tim stated he was impressed by the amount of people who attended the meeting. There are concerns about September 11th and general aviation. Larry stated Phil Boyer, President of the AOPA, was the speaker. There are more temporary flight restrictions than we have had before, which they are having trouble enforcing. Security is an issue.

**Sheridan Airport:**

Buddy stated he and Larry have received a copy of the Right of First Refusal from Brian Meyers on the Biddle Airport. Buddy stated a primary concern regarding the Sheridan Airport is burying the power lines. They have also requested digging a trench, which he does not think is a good idea. There may be liability concerns. Buddy stated the Hamilton County Board of Commissioners and County Council need to sign the agreement for burying the power lines in exchange for right of first refusal. If we agree, the Aviation Board can make a recommendation that the Commissioners and Council look at this and consider funding. Brad Beaver stated it is not spelled out what we do in

exchange for right of first refusal. Buddy stated a letter dated September 20, 2001 requested power line burial, hanger construction, tax abatement and matching or grant money and first right of refusal. Mike Howard stated only the power line burial is what the council will look at favorably. Future hanger construction is ambiguous. Tax abatement - they are legally entitled to be tax exempt, they need to file for it. Grant money - is ambiguous. Right of First Refusal - this Board can recommend the County Council explore funding and the County Commissioners can enter into an agreement. The Right of First Refusal would have to be signed by the Biddle-s, then accepted by Hamilton County. Brad asked if the Aviation Board signed the Right of First Refusal, it would not be enforceable? Mike stated the Aviation Board is not legally entitled to own property, therefore they are not entitled to have the right of first refusal. The second issue is what value did the Biddle-s receive. There is nothing in the document that specifies the value. Buddy stated he has a problem committing to possible AT@hangers and future grants that are undefined and they try to enforce that and say we committed to that. Brad stated he would entertain the idea of burying the power lines. He is fairly sure that they do not pay property tax right now. Brad stated he will ask for a meeting of the Council-s Finance Committee in the next month and see what their ideas are on possible funding. He will leave it to Mike as to whether the language is acceptable. Larry stated Brian Meyers wanted to keep the letter as generic as he possibly could. He is very interested in getting the lines buried this spring. Brad stated the price you would pay to bury the line would be many times more than the price of the crops that you would lose. Mike suggested he put together a contract with First Right of Refusal incorporated in it and we would put that contract in front of County Council for funding. Paul Spranger motioned that the Aviation Commission recommend Hamilton County explore negotiations to enter into an agreement with the Biddle-s that would result in benefits to them and right of first refusal by the county. Larry Jacobi seconded. Motion carried unanimously.

### **Terry Airport:**

Buddy stated he received a draft letter and Capital Improvement Project (CIP) for the Board-s consideration from Larry Creekbaum. Buddy stated the Board traveled to Chicago to meet with the FAA regarding Terry Airport. Also in attendance was Cindy Ellis, a neighbor of Terry Airport. A specific question was asked that if we submit the CIP on March 1st if we are in any way binding Hamilton County or the Aviation Board to anything and they made it very clear that until we have an agreement and sign their form of Terms and Conditions there is absolutely no obligation by this Board, the County or anyone. They made it very clear to us to not try to change one word of the 27 page Terms and Conditions. There are no Aslam dunks@ There are priorities, priorities change. September 11th changed massive priorities, there are many States and many regions and very few dollars. Pena=was very helpful and we learned afterwards that she was up for a promotion and she received that promotion. Her position is now vacant and the position may be filled by committee, may be vacant or may never be filled. Maria Muia from INDOT was also in attendance. She made it very clear that this was not a game. It was made clear that when a CIP is submitted it is a working document. No one at the FAA or the State considers it etched in stone. It is always a

flexible working document that years later is still being worked on. They know we are meeting tonight and we will in all likelihood be submitting this tomorrow and they have no problem with us submitting it on the 24th hour. The gentleman that is in charge of the Terry Airport told us that there are probably 10 years worth of plans and projects already in the loop that have been submitted, we are not bound by it and it does not bind us or change that in any way. If we are interested in getting any funds we need to get in line as quickly as possible. We are not locked in or bound by any proposal submitted tomorrow. Buddy stated he has made it clear to everyone that 1. this Board has not made a decision; 2. this Board does not want to create Indianapolis International Airport at the Terry Airport; 3. this Board has no authority, it is up to the Council and Commissioners to make decisions. Those decisions will never be made without public hearings; and 5. this Board has never intended, planned or desired to have anything to do with Terry Airport for the sole purposes of the wealthy. It will be open to the public or this Board does not want to have anything to do with it.

Larry Creekbaum, Mid-States Engineering, stated the CIP is a Capital Improvement Plan. You are submitting of letter of intent or letter of request for information. That is all this is. Before you can receive funds there are a lot more hurdles to jump. If this would work you are looking 4-5 years down the road. This is requesting to be put in the plan. Because you are in the plan does not mean you have to accept anything.

Buddy stated the CIP is requesting that Hamilton County is contemplating acquiring Terry Airport? Larry stated you have to commit in a format that allows some estimated costs to be put forth, that is what the CIP does. Buddy stated in the CIP Item B@ discusses estimated costs of infrastructure that is to be demolished, those are estimates and are consistent with what we have been told would need to be done to make it a functional airport. Larry C. stated when you get into airport design to protect a runway, there is a runway protection zone which is a trapezoid zone without elevation. When you buy property you can not have any improvements in that zone, it has to be removed. There are a couple of hangers and a parking areas. Those are estimates. Buddy stated in the early presentations he had the impression from Ray Van Sickle that this would be a one grant request from the FAA. One of the early discussions with the FAA was that if they are interested in Hamilton County they would do it over 5 years or 10% now or 10% later. It is not necessarily a one shot deal. The other thing is that they have their priorities and they categorize certain things in certain ways and that while they were not exactly sure where we fit in because there is not a pigeon hole for a municipality taking over another airport, one person could make an argument that we are a low priority and one person could make it a higher priority because it is a municipality stepping in. This is not a one shot, one time grant. It depends on what is available that year, what the priorities are. Larry J. stated the State and FAA would love to see a municipality take over the airport. Larry J. stated the acquisition of parcels #1, 2 & 3 is an estimate. Larry C. stated the offer you would make would be determined by a professional appraisal and a review appraisal. Larry J. asked if the price would come in double what is indicated on the CIP, are we still in the plan to recoup that money from the FAA? Buddy asked if the dollar amount for acquisition of land has in no way has

any relationship to what Ray VanSickle thought he was going to ask for or the asking price or proposed sale price? Larry C. stated that is correct. Larry C. stated his recommendation to the Board would be to engage a appraisal and a review appraiser.

Mike Howard stated this is not obligating Hamilton County to do anything. The Council, Commissioners and this Commission will determine when and if there is funding. The County Council Finance Committee has encouraged us to move forward with this application and to obtain as much grant money as possible. This application in no way effects any zoning issue in Boone County in regards to the airport. That issue is in litigation. If everything goes right the Hamilton County Board of Commissioners and County Council will not be making a decision until September or October at the earliest. This in no way effects the zoning of the land surrounding that airport.

Brad asked if parcels 1, 2 & 3 include all land used by the airport right now? Larry C. stated no, parcels 1, 2 & 3 are the parcels that have never received any federal reimbursement of any kind. There are five or six other parcels that Ray VanSickle will be asking that his 5% will be reimbursed back to him, where the FAA has already participated in the process. Mr. Howard stated we would own it, but we could only use the other parcels for airport property unless we reimburse the grant money that Ray had received in the past.

Buddy stated the Mayor of Carmel has encouraged the Board to explore the acquisition of Terry Airport.

Dr. Cynthia Ellis, 2520 S. 1200 East, Zionsville, stated she is the Chairperson of the Boone-Hamilton Property Owners Association and she is just interested in learning more about the process. The Boone County BZA will be holding a special meeting March 27, 2002 to address the zoning issues regarding Terry Airport. Buddy asked if her group has counsel? Dr. Ellis stated their attorney is Jack Lawson from Fort Wayne.

Tim Tolson motioned to authorize Buddy Pylitt to sign the Capital Improvement Plan for Terry Airport. Paul Spranger seconded. Motion carried unanimously.

Buddy asked Brad if it is appropriate to request an additional for the appraisals? Brad stated you will need a dollar amount before you request the additional appropriation. Mike stated the last appraisal on this ground was completed by Will Stump & Associates. Mike suggested he contact them to get an estimated fee on a not to exceed basis and based on that, move forward with the request. The Aviation Board has \$16,830 in Contractual Services. Brad stated if the appraisal does not exceed that amount Mike can move forward with the appraisal. Buddy asked if we should also have an environmental study? Mike stated he thinks we can do an appraisal and environmental study. Larry C. stated if this project comes to pass these costs that you are anticipating are reimbursable. You will have to have signed contracts to request reimbursement. Brad asked if the Aviation Commission is allowed to enter into contracts? Mike stated yes. Mike asked Larry C. if there is a requirement for a

reimbursement resolution for federal funding? Larry stated no. Larry Jacobi motioned to contact appraisers, environmental people and authorize them to submit written proposals for signature at the next meeting. Tim Tolson seconded. Motion carried unanimously.

**Next Meeting** - March 28, 2002 at 6:30 pm.

Paul Spranger motioned to adjourn. Larry Jacobi seconded. Motion carried unanimously.

**Others Present:**

Brad Beaver, Councilor  
Larry Creekbaum, Mid-States Engineering  
Jenny Adams, Student  
Cindy Ellis, 2550 1200 E., Zionsville  
Dianne West, 15 N. 1100, Zionsville  
Jeff Melin, 12667 Plum Creek Blvd, Carmel  
Kate Lewis, Ledger  
Kim Rauch, Recording Secretary

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Bernard Pylitt, President

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Date

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